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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,089	03/30/2004	Hyun-kwon Chung	1793.1238	3099
49455	7590	12/05/2007		
STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005			EXAMINER VU, THONG H	
			ART UNIT 2619	PAPER NUMBER
			MAIL DATE 12/05/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/812,089

Applicant(s)

CHUNG ET AL.

Examiner

Thong H. Vu

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

1. Claims 1-48 are pending.

Response to Arguments

2. Applicant's arguments, see, filed 11/23/07, with respect to Bauer-Hugh have been fully considered and are persuasive. The Rejection of claims 1-48 has been withdrawn.

Claim Rejections - 35 USC § 101

3. Claims 1-48 are rejected under 35 U.S.C. 101 because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility.

i.e.: the updateable markup area. Examiner considers a HTML, XML file as markup area and it could be updateable anywhere as a design choice. It's unclear how a portion of HTML, XML file could be updated by a portion based on memory size; and buffer information could be RAM (cache) or GUI (window size).

4. Claims 1-48 also rejected under 35 U.S.C. 112, first paragraph. Specifically, since the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility for the reasons set forth above, one skilled in the art clearly would not know how to use the claimed invention.

i.e.: the updateable markup area.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims

are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-48 are rejected on the ground of nonstatutory double patenting over claims 1-53 of U. S. Patent No. 7,200,683 ('683) since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

('683) 1. A method for providing user interfaces in a first network including first devices interconnected via a communication medium and at least one interface device connecting said first network to at least a second network providing services, comprising the steps of: in one or more devices in the first network:

- (a) obtaining information from one or more of said first devices currently connected to the first network, said information including device information comprising graphical user interface information (e.g.: buffer configuration information, buffer size) for user interaction with that device (e.g.: interaction mode, chat service); and
- (b) generating a graphical user interface description based on the graphical user interface information, the graphical user interface description including:
 - (1) at least one reference associated with the device information of each of said one or more first devices (e.g.: updateable markup information), and
 - (2) at least one reference associated with the services provided by the second network;

wherein the graphical user interface description allows displaying a graphical user

interface to a user for controlling the devices that are currently connected to the first network and furnishing services of the second network, via the graphical user interface (e.g.: load file via GUI or buffer and provide service or update data).

6. A method for managing an ENAV buffer in an interactive apparatus for use in an interactive mode, the method comprising:
 - allocating at least a portion of the ENAV buffer to be an updateable markup area provided for ENAV files on the basis of ENAV buffer configuration information;
 - loading predetermined ENAV files to be buffered in the ENAV buffer in the allocated updateable markup area.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See also MPEP § 804.

Claim Rejections - 35 USC § 102

Claims 1-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Fay et al [Fay 2002/0133248 A1].

7. As per claim 1, Fay discloses A method for managing an ENAV buffer in an interactive apparatus for use in an interactive mode [Fay, audio, video interactive application, 0037], the method comprising:

- allocating at least a portion of the ENAV buffer to be an updateable markup area provided for ENAV files (e.g.: XML file) on the basis of ENAV buffer configuration information [Fay, XML file, 0110; audio buffer configuration file, 0115; flag, 0126; define the range of values, 0186];

- loading predetermined ENAV files to be buffered in the ENAV buffer in the allocated updateable markup area [Fay, playback over the specified duration, 0065].

8. As per claim 2, Fay discloses the allocating comprises allocating the updateable markup area according to memory size information included in the ENAV buffer configuration information as inherent feature of bus configuration.

9. As per claim 3, Fay discloses allocating the updateable markup area according to memory names and sizes information included in the ENAV buffer configuration information as inherent feature of bus configuration.

10. As per claim 4, Fay discloses the allocating comprises reading the ENAV buffer configuration information recorded in a loading information file, and the loading comprises loading the corresponding ENAV file with reference to information for names and locations of ENAV files recorded in the loading information file as inherent feature of bus configuration.

11. As per claim 5, Fay discloses the allocating comprises reading the ENAV buffer configuration information recorded in a loading information file using a memory element specifying whether one of the ENAV files is to be buffered in the updateable markup area as inherent feature of bus configuration.

12. As per claim 6, Fay discloses reading as the ENAV buffer configuration information memory names and sizes recorded in a loading information file using an attribute of a memory element of the loading information file as inherent feature of bus configuration.

13. As per claim 7, Fay discloses reading a predetermined loading information file with reference to a startup file included in a directory in which the ENAV files are stored;

and reading the ENAV buffer configuration information recorded in the read loading information file [Fay, index, list, 0146].

14. As per claim 8, Fay discloses loading the ENAV files stored on a storage medium into the updateable markup area with reference to names and locations information of the ENAV files recorded in the loading information file.

15. As per claim 9, Fay discloses requesting from a server one of the ENAV files on the basis of name and location information of the ENAV files recorded in the loading information file and loading the one ENAV file provided from the server to the interactive apparatus to be buffered in the updateable markup area [Fay, index, list, 0146].

16. As per claim 10, Fay discloses the displaying an error message if no area of the ENAV buffer is allocated, and if the error message is not displayed, not loading the predetermined ENAV files to be buffered in the allocated updateable markup area [Fay, failed, 0164-0165].

17. As per claim 20, Fay discloses A computer readable medium encoded with processing instructions for implementing the method of claim 1 performed by a computer [see rejection claim 1].

18. As per claim 21, Fay discloses reading the ENAV buffer configuration information file from a storage medium which stores audio and/or video (AV) data to be reproduced with the ENAV files by the interactive apparatus in the interactive mode [Fay, playback, 0055].

19. As per claim 22, Fay discloses detecting from the storage medium a memory element that indicates: a location of the ENAV file as being on another storage medium

other than the storage medium from which the AV data is read, and a location of another ENAV file as being on the storage medium, wherein the loading further comprises loading one of the ENAV files determined to be an updateable markup file to be buffered into the allocated updateable markup area of the ENAV buffer, and loading the other one of the ENAV files determined not to be an updateable markup file into another portion of the ENAV buffer other than the updateable markup area and which is not allocated for the updateable markup file [see rejection claim 1].

20. As per claim 23, Fay discloses the another storage medium is in a server, and the loading further comprises connecting to and retrieving from the server the ENAV file to be loaded in the updateable markup area of the ENAV buffer [Fay server, 0199].

21. As per claim 11, Fay discloses A method of managing a buffer for a chat service in an interactive device having an ENAV buffer [Fay, interactive application, 0037], the method comprising:

allocating at least a portion of the ENAV buffer to be an updateable markup area provided for ENAV files on the basis of ENAV buffer configuration [Fay, XML file, 0110; audio buffer configuration file, 0115; flag, 0126; define the range of values, 0186]; and

loading the ENAV files for the chat service (e.g.: audio, video interactive application) in the allocated updateable markup area of the ENAV buffer [Fay, audio, video interactive application, 0037; playback over the specified duration, 0065].

22. As per claim 24 Fay discloses A method of managing a buffer of a recording and/or reproducing apparatus which reproduces first data and interactive data read from a storage medium in an interactive mode, the method comprising:

allocating the buffer to include an updateable markup area reserved for an updateable type of interactive file and another area for another type of the interactive file using the interactive data read from the storage medium [Fay, XML file, 0110; audio buffer configuration file, 0115; flag, 0126; define the range of values, 0186];

prior to reproducing an interactive file with the first data in the interactive mode (e.g.: video game), loading an interactive file in the updateable markup area if the interactive file is determined to be the updateable type, and loading the interactive file in the another area if the interactive file is determined to be the another [Fay, video game, 0039; playback over the specified duration, 0065].

23. Claims 12-19,25-48 contain the identical limitations set forth in claims 2-9. Therefore claims 12-19,25-48 are rejected for the same rationale set forth in claims 2-9.

Claims 1-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Billingsley et al [Billingsley 6,999,987 B1].

24. As per claim 1, Billingsley discloses A method for managing an ENAV buffer in an interactive apparatus for use in an interactive mode [Billingsley, audio, video, Chat service, col 1 lines 50-60], the method comprising:

allocating at least a portion of the ENAV buffer to be an updateable markup area provided for ENAV files (e.g.: XML file) on the basis of ENAV buffer configuration

information [Billingsley, configured to assign a level of weight assigned to the queues, col 17 lines 50-55; update periodically, col 10 lines 16-30];

loading predetermined ENAV files to be buffered in the ENAV buffer in the allocated updateable markup area [Billingsley, the markup tells the web browser how to display or update the text, graphical image or audio, video using the tags, col 9 line 63-10 lines 3].

25. As per claim 2, Billingsley discloses the allocating comprises allocating the updateable markup area according to memory size information included in the ENAV buffer configuration information [Billingsley, memory size, col 10 line 23].

26. As per claim 3, Billingsley discloses allocating the updateable markup area according to memory names and sizes information included in the ENAV buffer configuration information as inherent feature of update periodically.

27. As per claim 4, Billingsley discloses reading the ENAV buffer configuration information recorded in a loading information file, and the loading comprises loading the corresponding ENAV file with reference to information for names and locations of ENAV files recorded in the loading information file as inherent feature of update periodically.

28. As per claim 5, Billingsley discloses reading the ENAV buffer configuration information recorded in a loading information file using a memory element specifying whether one of the ENAV files is to be buffered in the updateable markup area as inherent feature of update periodically.

29. As per claim 6, Billingsley discloses reading as the ENAV buffer configuration information memory names and sizes recorded in a loading information file using an

attribute of a memory element of the loading information file [Billingsley, memory size, col 10 line 23].

30. As per claim 7, Billingsley discloses reading a predetermined loading information file with reference to a startup file included in a directory in which the ENAV files are stored; and reading the ENAV buffer configuration information recorded in the read loading information file [Billingsley, control database 410, Fig 4].

31. As per claim 8, Billingsley discloses loading the ENAV files stored on a storage medium into the updateable markup area with reference to names and locations information of the ENAV files recorded in the loading information file as inherent feature of update periodically.

32. As per claim 9, Billingsley discloses requesting from a server one of the ENAV files on the basis of name and location information of the ENAV files recorded in the loading information file and loading the one ENAV file provided from the server to the interactive apparatus to be buffered in the updateable markup area as inherent feature of update periodically.

33. As per claim 10, Billingsley discloses displaying an error message if no area of the ENAV buffer is allocated, and if the error message is not displayed, not loading the predetermined ENAV files to be buffered in the allocated updateable markup area [Billingsley, fail attempt, col 14 lines 34-46].

34. As per claim 20, Billingsley discloses A computer readable medium encoded with processing instructions for implementing the method of claim 1 performed by a computer [see rejection claim 1].

35. As per claim 21, Billingsley discloses reading the ENAV buffer configuration information file from a storage medium which stores audio and/or video (AV) data to be reproduced with the ENAV files by the interactive apparatus in the interactive mode [Billingsley, interactive animation, col 11 lines 4-10].

36. As per claim 22, Billingsley discloses detecting from the storage medium a memory element that indicates: a location of the ENAV file as being on another storage medium other than the storage medium from which the AV data is read, and a location of another ENAV file as being on the storage medium, wherein the loading further comprises loading one of the ENAV files determined to be an updateable markup file to be buffered into the allocated updateable markup area of the ENAV buffer, and loading the other one of the ENAV files determined not to be an updateable markup file into another portion of the ENAV buffer other than the updateable markup area and which is not allocated for the updateable markup file [see rejection claim 1].

37. As per claim 23, Billingsley discloses connecting to and retrieving from the server the ENAV file to be loaded in the updateable markup area of the ENAV buffer [Billingsley, server 210, Fig 2].

38. As per claim 11, Billingsley discloses A method of managing a buffer for a chat service in an interactive device having an ENAV buffer, the method comprising:
allocating at least a portion of the ENAV buffer to be an updateable markup area provided for ENAV files on the basis of ENAV buffer configuration [Billingsley,

configured to assign a level of weight assigned to the queues, col 17 lines 50-55;
update periodically, col 10 lines 16-30]; and

loading the ENAV files for the chat service (e.g.: audio, video interactive application) in the allocated updateable markup area of the ENAV buffer [Billingsley, the markup tells the web browser how to display or update the text, graphical image or audio, video using the tags, col 9 line 63-10 lines 3].

39. As per claim 24, Billingsley discloses A method of managing a buffer of a recording and/or reproducing apparatus which reproduces first data and interactive data read from a storage medium in an interactive mode, the method comprising:

allocating the buffer to include an updateable markup area reserved for an updateable type of interactive file and another area for another type of the interactive file using the interactive data read from the storage medium [Billingsley, configured to assign a level of weight assigned to the queues, col 17 lines 50-55; update periodically, col 10 lines 16-30];

prior to reproducing an interactive file with the first data in the interactive mode, loading an interactive file in the updateable markup area if the interactive file is determined to be the updateable type, and loading the interactive file in the another area if the interactive file is determined to be the another [Billingsley, the markup tells the web browser how to display or update the text, graphical image or audio, video using the tags, col 9 line 63-10 lines 3].

40. Claims 12-19, 25-48 contain the identical limitations set forth in claims 2-9.

Therefore claims 12-19, 25-48 are rejected for the same rationale set forth in claims 2-9.

Claims 1-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Joshi et al [Joshi 7,299,409 B2].

41. As per claim 11, Joshi discloses A method of managing a buffer for a chat service in an interactive device having an ENAV buffer [Joshi, Chat application, col 1 lines 46], the method comprising:

allocating at least a portion of the ENAV buffer to be an updateable markup area provided for ENAV files on the basis of ENAV buffer configuration; and loading the ENAV files for the chat service in the allocated updateable markup area of the ENAV buffer [Joshi, buffer size, col 10 lines 38; specifying and dynamically update portion of the rendered content, col 4 lines 36-52].

42. Claims 1-10, 12-48 contain the identical limitations set forth in claim 1. Therefore claims 1-10, 12-48 are rejected for the same rationale set forth in claim 1.

Claims 1-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakabayashi et al [Nakabayashi 5,905,866].

43. As per claim 11, Nakabayashi discloses A method of managing a buffer for a chat service in an interactive device having an ENAV buffer [Nakabayashi, Chat service, col 10 lines 23-36], the method comprising:

allocating at least a portion of the ENAV buffer to be an updateable markup area provided for ENAV files on the basis of ENAV buffer configuration; and loading the ENAV files for the chat service in the allocated updateable markup area of the ENAV buffer [Nakabayashi, using bus configuration or control bus, col 11 lines 10-20; monitor and update target data with HTML reference, specifies a portion data, col 61 lines 11-18].

44. Claims 1-10,12-48 contain the identical limitations set forth in claim 1. Therefore claims 1-10, 12-48 are rejected for the same rationale set forth in claim 1.

Claims 1-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Bonomi et al [Bonomi 6,769,127 B1].

45. As per claim 11, Bonomi discloses A method of managing a buffer for a chat service in an interactive device having an ENAV buffer [Bonomi, Chat button 1514, interactive GUI, col 33 lines 30-56], the method comprising:

allocating at least a portion of the ENAV buffer to be an updateable markup area provided for ENAV files on the basis of ENAV buffer configuration; and loading the ENAV files for the chat service in the allocated updateable markup area of the ENAV buffer [Bonomi, cache configuration, col 9 lines 10-20; cache management processing 260, Fig 2E, col 10 lines 5-54; update with markup language, col 18 lines 20-34; modify asset area, col 27 lines 55-66].

46. Claims 1-10,12-48 contain the identical limitations set forth in claim 1. Therefore claims 1-10, 12-48 are rejected for the same rationale set forth in claim 1.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong H. Vu whose telephone number is 571-272-3904. The examiner can normally be reached on 6:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jay Patel* can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thong Vu
Primary Examiner

THONG VU
PRIMARY PATENT EXAMINER

A handwritten signature in black ink, appearing to read 'Thong Vu', with a horizontal line underneath.